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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1565 OF 2007

WONDERPACK INDUSTRIES PVT. LTD.
NASHIK. ... Petitioner

v/s

Mr. Jangbahadur Ramjit Yadav & anr. ... Respondents

Mr. P.K. Rele, Sr. Counsel with Rajesh P. Rele and Vinod Tayade for the petitioner.

Mr. Bhavesh Parmar for respondent Nos. 1 and 2.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 4th JULY, 2007.

P.C.:

1. The petitioner challenges the order passed by the Labour Court and the Industrial Court in revision. The Labour Court, while disposing of the complaint filed by the respondent Nos. 1 and 2 has held that the petitioner has indulged in unfair labour practice under Item 1(a),(b), (d) and (f) of Schedule IV of the M.R.T.U. & P.U.L.P. Act, 1971. Consequently, the Labour Court directed the petitioner to reinstate the respondents with 50% back wages from 24.1.1994. A revision preferred by the petitioner went in the same fate. Both the Courts below have observed that the

petitioner had not produced the record to prove that Nashik plant, where the respondents were working, had been closed. In fact, in his cross-examination, the witness for the management i.e. the petitioner, has stated that:

> "I am shown with Ex.U-6, for the address of plot No.25/2/2, C Road, M.I.D.C. Satpur. It is true that, presently Wonderpack Industries is working on this address of Plot No. 25/2/2. The complainants were not called for work in the factory plot No.25/5/2 Nashik. Wonderpack Industries Pvt. Ltd., Nashik & Igatpuri is same company."

2. Under these circumstances, there is no need to interfere with the concurrent findings of fact recorded by both the Courts below. There is no perversity in the order nor is there any error apparent on the face of the record.

3. Writ petition is rejected.

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